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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,957	05/22/2001	C. Kerry Nemovicher	P/3498-7	9756
2352	7590	11/10/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			JUNG, DAVID YIUK	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/862,957

Applicant(s)

NEMOVICHER

Examiner

David Y Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2134

## DETAILED ACTION

### CLAIMS PRESENTED

Claims 1-42 are presented.

### CLAIM REJECTIONS

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-17, 19-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Gfi ([www.gfi.com/news/en/mes2000launch.htm](http://www.gfi.com/news/en/mes2000launch.htm) ).

Regarding claim 1, Gfi teaches A secure communication system, comprising: a first communication station (the first paragraph, Mail Essentials 2000 – which makes such a sending station inherent because a mail is inherently between a sending station and a receiving station); a secure communication signal generated at a first communication station (the last paragraph, PGP encryption); a second communication station coupled to said first communication station, said second communication station being effective to receive said secure communication signal (the last two paragraphs, i.e. security at email server level, and encryption – the email server can function as such a second communication station); said second communication station being operable to verify a content of

Art Unit: 2134

said secure communication signal and generate a verified secure communication signal (the last two paragraphs, i.e. security at email server level, and encryption – the email server can function as such a second communication station); and a third communication station coupled to said second communication station, said third communication station being effective to receive said verified secure communication signal (the first paragraph, Mail Essentials 2000 – which makes such a receiving station inherent because a mail is inherently between a sending station and a receiving station).

Regarding claim 36, Gfi teaches the features of this claims, such as the particular handling of locations, etc. -- the first paragraph, Mail Essentials 2000 – which makes such a sending/server/receiving locations inherent because a mail is inherently between a sending station and a receiving station.

Regarding claims 37, 38, 39, 40, 41, 42, the features of these claims have been discussed in the rejections of claims 1, 36. For the reasons noted in the rejections of claims 1, 36, these claims are not patentable.

Regarding claims 2-6, 11, 16-17, 22-29, 34, Gfi teaches such encryption handlings, etc. (the last paragraph, i.e. PGP).

Regarding claims 7-10, 13-15, 21, 31-33, 35, Gfi teaches such server handlings, etc. with such security features, etc. (the last two paragraphs, i.e. email server and PGP).

Regarding claims 12, 19, 20, 30, Gfi teaches such virus handlings, etc. (the last two paragraphs, i.e. virus protection).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gfi and Stamper ([www.itconsult.co.uk/stamper.htm](http://www.itconsult.co.uk/stamper.htm) ).

Regarding claim 18, Gfi teaches as noted in the rejections in the previous sections.

These passages of Gfi do not teach "time and date" in the sense of the claim.

Stamper teaches such "time and date" for the motivation of timestamping. See the first paragraph.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine Gfi and Stamper for the motivation noted in the previous paragraphs so as to teach the claimed invention.

***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Art Unit: 2134

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

**Or:**

(703) 746-5606 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to David Jung whose telephone number is (571)  
272-3836 or Greg Morse whose telephone number is (571) 272-3838.

Art Unit: 2134

David Jung

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A handwritten signature in black ink, consisting of a large initial 'D' followed by a series of connected loops and a wavy line at the end.

Patent Examiner

11/1/04